



CITY OF BIGGS PLANNING STAFF REPORT

465 C Street /
P.O. Box 1134
Biggs, CA 95917

PHONE: (530) 868-5447
FAX: (530) 868-1124

TO: Honorable Mayor and Members of the City Council
DATE: April 18, 2011
FROM: Scott Friend, AICP, City Planner
SUBJECT: Code Enforcement Disclosure and Report

SUMMARY

At the March 21, 2011 City Council meeting, the City Council requested that staff place on the April City Council meeting agenda, an agenda item to review and discuss the City's current code enforcement information disclosure protocols. This report is intended to provide a summary of the code enforcement programs protocols for information disclosure and to guide staff's discussion with the Council on this subject. The intended result of the discussion is to either confirm that the current approach being taken by staff is either acceptable and desirable by the Council or to receive direction from the Council regarding a change to the programs current disclosure policies.

DISCUSSION

In 2005, the City Council of the City of Biggs directed staff to begin to assertively address violations of the Biggs Municipal Code (BMC) related to property nuisances and abandoned and inoperable vehicles pursuant to Sections 6.20, 6.23, 6.25 and 6.27 of the Biggs Municipal Code. The following is a list of the short title of each of the referenced BMC code sections:

- BMC Section 6.20 – Abandoned Vehicles;
- BMC Section 6.23 – Abandoned Vehicle Abatement;
- BMC Section 6.25 – Health and Safety Nuisance Abatement; and,
- BMC Section 6.27 – Neighborhood Nuisance Abatement.

Acting on the direction of the City Council, the City Planner and the Code Enforcement officer initiated prioritized the pursuit of violations of the Municipal Code. Due in part to the extended period of time that had elapsed since the City had last undertaken a program to actively enforce the nuisance provisions of the City Code, the enforcement approach utilized by staff focused on voluntary abatement. As such, staff's efforts were focused more on education efforts, notification of violations and "active encouragement" to abate violations as opposed to formal monetary or civil actions to achieve compliance.

As part of staff's effort to revive an active enforcement program in the City of Biggs, staff contacted other Code Enforcement programs to discuss with them their policies on information disclosure,

noticing, reporting and information sharing. The information and insights gained as part of that effort, combined with the City's low-profile approach to code enforcement violations and the concerns regarding privacy expressed by the Council at that time, resulted in the City code enforcement program using the following basic guidelines for information sharing and disclosure:

Code Enforcement Complaints:	Due to concerns related to privacy, the fear of retaliatory actions and potential for the "silencing" of information, the current City code enforcement policy related to code enforcement complaints is as follow: <ul style="list-style-type: none">- All code enforcement complaints are assumed to be anonymous unless other wise directed by the party filing the complaint.- Staff will "white out" or redact any personal information provided on a formal complaint form if that form is provided to the public or requested by an aggrieved party.
Code Enforcement File Sharing:	<ul style="list-style-type: none">- Code enforcement staff does not allow for the unsupervised review of code enforcement case files and staff screens all information to assure that privacy is maintained for both a party filing a complaint and the party in violation.- Code enforcement staff have provided locked access to code enforcement files to limit access and limit the potential for unnecessary file reviews.- Code enforcement staff does not generally share information about the details of an active code enforcement case with parties requesting such information. Staff will provide general information about what is occurring, what actions have been taken and where a case is at in the enforcement process.- Code enforcement staff has operated under the basic policy of limiting the availability of and access to code enforcement project files to only the City Administrator, City Attorney, City Planner and City Code Enforcement officer.
Code Enforcement Activity Reporting:	<ul style="list-style-type: none">- Code enforcement staff has not generally shared information to include names, photos, or specific violation details as part of activity reports.- Code enforcement staff do not post violations on the City's webpage or at any locations in the City.
Other:	<ul style="list-style-type: none">- Code enforcement staff does share information with law enforcement when requested.

As the City's code enforcement program has matured from a largely passive enforcement program seeking compliance primarily through volunteer efforts and focusing primarily on major nuisance violations to one that is actively engaged in pro-active enforcement activities and the use of civil penalties for violations, staff believes that it is beneficial to receive direction from the City Council on the current approaches used by the program related to the public disclosure of code enforcement information.

STAFF RECOMMENDATION

Staff recommends that the Council review the information contained in the report and provide direction as follows:

- A) Confirm that the current information disclosure protocols used by staff regarding code enforcement violations are consistent with the desire of the Council; or,
- B) Provide direction to staff on how to revise the current program protocols regarding information disclosure to achieve the outcome desired by the City Council.

Attachments:

- None